IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

Tr.P(C).No. 188 of 2007()

OP.173/2007 of FAMILY COURT, MALAPPURAM

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: PETITIONER/RESPONDENT/WIFE

DR.SAJNA.P.H., AGED 24 YEARS,
D/O P.A.HUSSAIN, 6TH BLOCK, KRISHNAPURA,
NEAR LUCKY STAR HOUSE, SURETHKAL,
MANGALORE TALUK, KARNATAKA STATE.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENT: PETITIONER/HUSBAND

DR. ABDUL RASHEED E.M., AGED 27 YEARS,
S/O ALAVIKUTTY, MALABAR DENTAL CARE,
OPP. NEW BUS STAND, KONDOTTY,
MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON IA 2170/07 IN Tr.P(C) 188/07

DISMISSED.

SD/- M.N.KRISHNAN, JUDGE.

19/11/2007

M.N.Krishnan, J.

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Tr.P(C).No.188 of 2007

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Dated this the 19th day of November, 2007.

JUDGMENT

This Transfer Petition is filed by the wife in O.P. No.173 of 2007 pending before the Family Court, Malappuram for restitution of conjugal rights. It is averred that at present, she is residing at Surethkal in Karnataka State and she found it very difficult to come to Malappuram on account of the non-availability of the transport. I am informed that the counselling is over and the matter is posted for trial. Both the husband and wife are Dentists and well educated having respectability in the society.

2. At this stage, I do not find any ground to transfer the O.P. But at the same time, I make it clear that the Family Court shall not insist for her presence on each and every hearing date except when the matter is posted for evidence and when an application is moved for exemption from personal appearance, the court can sympathetically consider and allow it and when the

matter is taken up for trial, it can be done day to-day basis, so that the matter can be disposed of at the earliest.

With this observation, the Transfer Petition is disposed of.

M.N.Krishnan,
Judge.

ess 19/11